

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
KYLE MCLEMORE : **VIOLATIONS:**
: **18 U.S.C. § 371 (conspiracy – 1 count)**
: **18 U.S.C. § 922(a)(1)(A) (dealing in firearms**
: **without a license – 1 count)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant KYLE MCLEMORE was a resident of Philadelphia, Pennsylvania, was not a federal firearms licensee (“FFL”), and was not authorized to deal, import, or manufacture firearms under federal law.
2. Terrance Darby, a/k/a “Tibbs,” a/k/a “Tibby,” charged elsewhere, was a resident of Philadelphia, Pennsylvania, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.
3. Ontavious Plumer, a/k/a “Toot,” charged elsewhere, was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.
4. Cory Brookins, a/k/a “Sport,” charged elsewhere, was not a federal firearms licensee (“FFL”), and was not authorized to deal, import, or manufacture firearms under

federal law.

5. Charlena West, charged elsewhere, was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

6. Earlishia Brownlee, a/k/a “Dominique,” charged elsewhere, was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

7. Darquis Davis, a/k/a “Justice,” charged elsewhere, was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

8. The following businesses possessed an FFL license and were authorized to deal in firearms under federal laws:

| FFL | Location |
|------------------------------------|--|
| Anderson Gun and Pawn | 1309 South Murray Avenue, Anderson, South Carolina |
| Grady’s Great Outdoors | 3440 Clemson Boulevard, Anderson, South Carolina |
| Academy Sports + Outdoors #154 | 3423 Clemson Boulevard, Anderson, South Carolina |
| B&B Sporting Goods and Pawn | 2001 South Main Street, Anderson, South Carolina |
| Palmetto State Armory - Greenville | 1040A Woodruff Road, Greenville, South Carolina |
| Palmetto State Armory - Columbia | 3760 Fernandina Road, Columbia, South Carolina |
| Sportsman’s Warehouse | 3795 Clemson Boulevard, Anderson, South Carolina |
| South Carolina Gun Company | 242 West Wade Hampton Boulevard, Greer, South Carolina |
| City Arsenal | 1210 Poinsett Highway, Greenville, South Carolina |

9. FFL holders are licensed, among other things, to sell firearms. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms.

10. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473 (“Form 4473”). Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contains the following language in bold type: “Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.” In the certification section of the Form 4473, the actual buyer must certify that his or her answers to the questions on the form are “true, correct, and complete,” and acknowledge by his or her signature that “making any false oral or written statement . . . is a crime punishable as a felony under Federal law, and may also violate State and/or local law.”

11. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth, to ensure that the person was not prohibited from purchasing a firearm.

12. A person who purchases a firearm at the behest of another person and falsely states on the Form 4473 that he or she is the actual buyer of the firearm is known as a “straw purchaser.”

13. From at least as early as in or around November 2020 through in or around February 2021, in in the Eastern District of Pennsylvania, the District of South Carolina, and elsewhere, defendant

KYLE MCLEMORE

conspired and agreed with Terrance Darby, a/k/a “Tibbs,” a/k/a “Tibby”; Ontavious Plumer, a/k/a “Toot”; Cory Brookins, a/k/a “Sport”; Charlena West; Earlishia Brownlee, a/k/a “Dominique”; and Darquis Davis, a/k/a “Justice,” each charged elsewhere; and others known and unknown to the grand jury, to commit offenses against the United States, that is, to engage in the business of dealing firearms without being licensed to do so, in violation of Title 18, United States Code, Section 922(a)(1)(A); and to make a false statement with respect to the information required to be kept in the records of a federally licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

14. Ontavious Plumer instructed Charlena West and Earlishia Brownlee to purchase firearms at FFLs in South Carolina, with the intention that these firearms would be transported to Terrance Darby and others in Philadelphia, Pennsylvania.

15. Ontavious Plumer paid Charlena West and Earlishia Brownlee using mobile banking applications, including Cash App, to purchase firearms from FFLs in South Carolina.

16. Charlena West and Earlishia Brownlee purchased firearms from federally licensed firearms dealers in South Carolina, knowing that the firearms were being purchased for other individuals and that these firearms would be transported to Philadelphia and given to Terrance Darby and others.

17. Charlena West and Earlishia Brownlee falsely stated on the Form 4473 for each firearm purchase that they were the actual purchaser of the firearms, when in fact they knew this statement was false and they purchased the firearms for others, including Terrance Darby.

18. Ontavious Plumer communicated with Cory Brookins and Terrance Darby about the purchases of the firearms by Charlena West and Earlishia Brownlee, and coordinated the transport by West and Darquis Davis of these firearms from South Carolina to Philadelphia, Pennsylvania.

19. Charlena West traveled from South Carolina to Philadelphia, Pennsylvania with the firearms and transferred the firearms to defendant KYLE MCLEMORE, Terrance Darby, and Cory Brookins. Darquis Davis drove West on some occasions.

20. The co-conspirators, including defendant KYLE MCLEMORE, sent payments to each other for the firearms via mobile banking applications, such as Cash App.

21. Defendant KYLE MCLEMORE, Terrance Darby, and Cory Brookins received the purchased firearms and planned to resell the firearms.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania, the District of South Carolina, and elsewhere:

1. On or about November 20 and November 21, 2020, at the direction of Ontavious Plumer, Charlena West purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|----------------------------------|---|----------------------|------------------|
| 11/20/2020 | Anderson Gun and Pawn | Beretta, model APX, 9mm semi-automatic pistol | A098483X | Charlena West |
| 11/20/2020 | Anderson Gun and Pawn | Beretta, model APX, 9mm semi-automatic pistol | A098465X | Charlena West |
| 11/20/2020 | Grady's Great Outdoors | Taurus, Judge series, .45 caliber revolver | ABL097569 | Charlena West |
| 11/20/2020 | Grady's Great Outdoors | Taurus, Judge series, .45 caliber revolver | ABJ941959 | Charlena West |
| 11/20/2020 | Grady's Great Outdoors | Taurus, Judge series, .45 caliber revolver | ABK062912 | Charlena West |

| | | | | |
|------------|---------------------------------|---|-----------|---------------|
| 11/20/2020 | Grady's Great Outdoors | Taurus, model G3, 9mm semi-automatic pistol | ABJ945226 | Charlena West |
| 11/21/2020 | Grady's Great Outdoors | Smith & Wesson, model SD40, .40 caliber semi-automatic pistol | FCU0160 | Charlena West |
| 11/21/2020 | Grady's Great Outdoors | Smith & Wesson, model SD40, .40 caliber semi-automatic pistol | FCW3015 | Charlena West |
| 11/21/2020 | Grady's Great Outdoors | Ruger, Security-9, 9mm semi-automatic pistol | 383-61872 | Charlena West |
| 11/21/2020 | Academy Sports + Outdoors # 154 | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | JFN7241 | Charlena West |
| 11/21/2020 | Academy Sports + Outdoors # 154 | Ruger, Security-9, 9mm semi-automatic pistol | 383-84606 | Charlena West |
| 11/21/2020 | Academy Sports + Outdoors # 154 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCU8997 | Charlena West |
| 11/21/2020 | Academy Sports + Outdoors # 154 | Ruger, Security-9, 9mm semi-automatic pistol | 383-69030 | Charlena West |

2. On or about November 22, 2020, at the direction of Ontavious Plumer, Charlena West transported firearms by car from South Carolina to Philadelphia, Pennsylvania, and gave the firearms to defendant KYLE MCLEMORE.

3. On or about November 27 and November 28, 2020, at the direction of Ontavious Plumer, Charlena West and Earlishia Brownlee purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|----------------------------------|---|----------------------|------------------|
| 11/27/2020 | Grady's Great Outdoors | Glock, model 48, 9mm semi-automatic pistol | BRUD021 | Charlena West |
| 11/27/2020 | Grady's Great Outdoors | Smith & Wesson, model SD9, 9mm semi-automatic pistol | FCJ0371 | Charlena West |
| 11/27/2020 | Grady's Great Outdoors | Smith & Wesson, model SD40, .40 caliber semi-automatic pistol | FCR2029 | Charlena West |
| 11/27/2020 | B&B Sporting Goods and Pawn | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | HEY8477 | Charlena West |
| 11/27/2020 | B&B Sporting Goods and Pawn | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FBB2962 | Charlena West |

| | | | | |
|------------|------------------------------------|---|---------|--------------------|
| 11/27/2020 | B&B Sporting Goods and Pawn | Smith & Wesson, model 4040, .40 caliber semi-automatic pistol | USC9960 | Charlena West |
| 11/27/2020 | Palmetto State Armory - Greenville | Glock, model 44, .22 caliber semi-automatic pistol | AEMA839 | Earlishia Brownlee |
| 11/27/2020 | Palmetto State Armory - Greenville | Glock, model 43, 9mm semi-automatic pistol | AEWG856 | Earlishia Brownlee |
| 11/27/2020 | Palmetto State Armory - Greenville | Glock, model 43, 9mm semi-automatic pistol | AEWV822 | Earlishia Brownlee |
| 11/28/2020 | Palmetto State Armory - Greenville | Smith & Wesson, model SD9VE, 9mm semi-automatic pistol | FCV9142 | Charlena West |
| 11/28/2020 | B&B Sporting Goods and Pawn | Glock, model 44, .22 caliber semi-automatic pistol | AEHK404 | Earlishia Brownlee |
| 11/28/2020 | B&B Sporting Goods and Pawn | Glock, model 44, .22 caliber semi-automatic pistol | AEFZ395 | Earlishia Brownlee |
| 11/28/2020 | B&B Sporting Goods and Pawn | Smith & Wesson, model 4046, .40 caliber semi-automatic pistol | TDS8937 | Earlishia Brownlee |
| 11/28/2020 | B&B Sporting Goods and Pawn | Smith & Wesson, model M&P 45, .22 caliber semi-automatic pistol | HST6669 | Earlishia Brownlee |

4. On or about December 1, 2020, Terrance Darby told defendant KYLE MCLEMORE that he had sold two Glock pistols the previous night. MCLEMORE responded, “good ... got one sold this afternoon.”

5. On or about December 27, 2020, Terrance Darby told Ontavious Plumer that Darby had requests for FN firearms, and asked if Plumer was “still able to make it happen.” Plumer responded that he could “make it happen” and quoted Darby a price of “12-1600” for “the ones that shoot 9 mm bullets.”

6. On or about December 31, 2020, defendant KYLE MCLEMORE sent \$1,000 to Terrance Darby using Cash App.

7. In late December 2020 and early January 2021, Ontavious Plumer and

Terrance Darby agreed that Plumer would supply guns to Darby in Philadelphia for approximately \$6,800, in exchange for Darby sending controlled substances to South Carolina.

8. On or about January 8, 2021, at the direction of Ontavious Plumer, Charlena West and Earlishia Brownlee purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|----------------------------------|---|----------------------|--------------------|
| 1/8/2021 | Sportsman's Warehouse | Glock, model 19, 9mm semi-automatic pistol | BNYP686 | Charlena West |
| 1/8/2021 | Sportsman's Warehouse | Beretta, model APX, 9mm semi-automatic pistol | A118611X | Charlena West |
| 1/8/2021 | Grady's Great Outdoors | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCR9812 | Charlena West |
| 1/8/2021 | Grady's Great Outdoors | Taurus, model G3, 9mm semi-automatic pistol | ABN377437 | Charlena West |
| 1/8/2021 | Grady's Great Outdoors | Glock, model 19, 9mm semi-automatic pistol | BEBG379 | Charlena West |
| 1/8/2021 | Grady's Great Outdoors | Smith & Wesson, M&P9 Shield, 9mm semi-automatic pistol | RJL8351 | Earlishia Brownlee |
| 1/8/2021 | Grady's Great Outdoors | Glock, model 43, 9mm semi-automatic pistol | RJL9085 | Earlishia Brownlee |
| 1/8/2021 | Grady's Great Outdoors | Glock, model 43, 9mm semi-automatic pistol | RJJ3740 | Earlishia Brownlee |

9. On or about January 8, 2021, Ontavious Plumer told Terrance Darby, "Asa hit me I'm coming your way tomorrow wit straps n I need da dog." Darby asked in response, "What u bringing?" Plumer responded that he would try to obtain 10 firearms, and Darby responded, "... hope all new. Don't wanna get stuck wit nothing used."

10. On or about January 9, 2021:

- a. Ontavious Plumer told Terrance Darby that he had "8 total." Plumer told Darby that it would cost "6800 for da 8 guns."
- b. At the direction of Ontavious Plumer, Charlena West transported firearms by car from South Carolina to Philadelphia, Pennsylvania and gave the firearms to

Terrance Darby.

11. On or about January 10, 2021, Terrance Darby sent defendant KYLE MCLEMORE pictures of several firearms with corresponding prices, including a Smith & Wesson, model M&P9 Shield, 9mm semiautomatic pistol bearing serial number RJJ3740 purchased by Earlishia Brownlee on January 8, 2021; a Beretta, model APX, 9mm semiautomatic pistol bearing serial number A118611X purchased by Charlena West on January 8, 2021; and a Taurus, model G3, 9mm semiautomatic pistol bearing serial number ABN377437 purchased by West on January 8, 2021.

12. On or about January 10, 2021, Ontavious Plumer told Earlishia Brownlee to purchase certain firearms, to which Brownlee responded, "Okay."

13. On or about January 10 and January 11, 2021, at the direction of Ontavious Plumer, Earlishia Brownlee purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|------------------------------------|---|----------------------|--------------------|
| 1/10/2021 | Palmetto State Armory - Greenville | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCL3090 | Earlishia Brownlee |
| 1/10/2021 | Palmetto State Armory - Greenville | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCR1969 | Earlishia Brownlee |
| 1/11/2021 | Anderson Gun and Pawn | Kahr, model CW45, .45 caliber semi-automatic pistol | SG3002 | Earlishia Brownlee |

14. On or about January 12, 2021, Ontavious Plumer told Terrance Darby that he had firearms, and that these firearms would be transported to Darby. Plumer asked Darby for a "pay advance."

15. On or about January 13, 2021, at the direction of Ontavious Plumer, Charlena West and Darquis Davis transported firearms by car from South Carolina to Philadelphia, Pennsylvania, and gave the firearms to Terrance Darby.

16. On or about January 14, 2021, at the direction of Ontavious Plumer, Charlena West purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|----------------------------------|---|----------------------|------------------|
| 1/14/2021 | South Carolina Gun Company | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | NEJ0435 | Charlena West |
| 1/14/2021 | South Carolina Gun Company | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | HLH1207 | Charlena West |
| 1/14/2021 | South Carolina Gun Company | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | HLL8291 | Charlena West |

17. On or about January 15, 2021, Ontavious Plumer sent Terrance Darby photographs of three firearms, and told Darby that these were “all 40s.” Plumer told Darby that he would be “getting [the] rest in the am” and that these firearms would cost \$1,100. Darby confirmed that he wanted these firearms. Plumer responded that he would pick up some more “hardware” and then would be “hitting road.”

18. On or about January 17, 2021, at the direction of Ontavious Plumer, Charlena West purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|----------------------------------|---|----------------------|------------------|
| 1/17/2021 | Palmetto State Armory - Columbia | Smith & Wesson, model SD9VE, 9mm semi-automatic pistol | FCN8128 | Charlena West |
| 1/17/2021 | Palmetto State Armory - Columbia | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCZ6643 | Charlena West |
| 1/17/2021 | Palmetto State Armory - Columbia | Taurus, model GC3, 9mm semi-automatic pistol | ABN361120 | Charlena West |

19. On or about January 17, 2021, Ontavious Plumer told Cory Brookins that he had six brand new firearms for \$7,200. Plumer told Brookins that the firearms were on the

way to be delivered to Brookins.

20. On or about January 18, 2021, Ontavious Plumer told Terrance Darby that the firearms were being transported to “your city.” Plumer then asked Darby if he had “ice,” to which Darby responded that it would cost \$5,000 per bag.

21. On or about January 18, 2021, at the direction of Ontavious Plumer, Charlena West and Darquis Davis transported firearms by car from South Carolina to Philadelphia, Pennsylvania and gave the firearms to Terrance Darby. Cory Brookins was present when West and Davis gave some of the firearms to Darby.

22. On or about January 19, 2021, Terrance Darby sent defendant KYLE MCLEMORE pictures of several firearms with corresponding prices, including a Smith & Wesson, model M&P40, .40 caliber semiautomatic pistol bearing serial number NEJ0435 purchased by WEST on January 14, 2021; and a Taurus, model G3, 9mm semiautomatic pistol bearing serial number ABN361120 purchased by WEST on January 17, 2021.

23. On January 21 and 22, 2021, Terrance Darby sent Cory Brookins numerous photographs of numerous firearms, including a Smith & Wesson, model SD40VE, .40 caliber semiautomatic pistol bearing serial number FCL3090 that was purchased by Earlishia Brownlee on January 10, 2021; a Smith & Wesson, model M&P40, .40 caliber semiautomatic pistol bearing serial number NEJ0435 that was purchased by Charlena West on January 14, 2021; and a Taurus, model G3, 9mm semiautomatic pistol bearing serial number ABN361120 that was purchased by West on January 17, 2021. Darby said to Brookins, “I’m in,” and Brookins said, “Bet.”

24. On or about January 21, 25 and 26, 2021, at the direction of Ontavious Plumer, Charlena West and Earlishia Brownlee purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|----------------------------------|--|----------------------|--------------------|
| 1/21/2021 | B&B Sporting Goods and Pawn | Ruger, model SR9c, 9mm semi-automatic pistol | 339-18799 | Earlishia Brownlee |
| 1/21/2021 | B&B Sporting Goods and Pawn | Smith & Wesson, model M&P, semi-automatic pistol | NFD1490 | Earlishia Brownlee |
| 1/25/2021 | Anderson Gun and Pawn | Springfield Defender, 9mm semi-automatic pistol | BY565525 | Earlishia Brownlee |
| 1/25/2021 | Anderson Gun and Pawn | Smith & Wesson, model MP40C, .40 caliber semi-automatic pistol | HRX7505 | Earlishia Brownlee |
| 1/25/2021 | B&B Sporting Goods and Pawn | Ruger, model 9E, 9mm semi-automatic pistol | 338-1248 | Earlishia Brownlee |
| 1/25/2021 | B&B Sporting Goods and Pawn | Smith & Wesson, model SW9GVE, 9mm semi-automatic pistol | PB23904 | Earlishia Brownlee |
| 1/26/2021 | B&B Sporting Goods and Pawn | Taurus, model G2C, 9mm semi-automatic pistol | ABL194818 | Charlena West |

25. On or about January 25 and 26, 2021, Ontavious Plumer and Charlena West discussed purchasing firearms and transporting them to Philadelphia, Pennsylvania. On January 26, 2021, Plumer told West to purchase firearms and drive to Philadelphia. West responded that he/she was on his/her way to Philadelphia with firearms. Plumer told West that she would be meeting Cory Brookins, and provided Brookins's cell phone number.

26. On or about January 26, 2021, Terrance Darby sent \$1,000 to defendant KYLE MCLEMORE using Cash App.

27. On or about January 27, 2021, at the direction of Ontavious Plumer, Charlena West and Darquis Davis transported firearms by car from South Carolina to Philadelphia, Pennsylvania, and gave the guns to Cory Brookins.

28. On or about January 28, 2021, at the direction of Ontavious Plumer, Charlena West purchased the following firearms:

| Date of Purchase | Federal Firearms Licensee | Firearm | Serial Number | Purchaser |
|-------------------------|----------------------------------|----------------|----------------------|------------------|
|-------------------------|----------------------------------|----------------|----------------------|------------------|

| | | | | |
|-----------|------------------------|---|-----------|---------------|
| 1/28/2021 | Palmetto State Armory | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCY5101 | Charlena West |
| 1/28/2021 | Palmetto State Armory | Smith & Wesson, model SD9VE, 9mm semi-automatic pistol | FCZ3184 | Charlena West |
| 1/28/2021 | Palmetto State Armory | Taurus, model GC3, 9mm semi-automatic pistol | ABN357074 | Charlena West |
| 1/28/2021 | City Arsenal | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCY1145 | Charlena West |
| 1/28/2021 | City Arsenal | FN Herstal, model 503, 9mm semi-automatic pistol | CV010947 | Charlena West |
| 1/28/2021 | Grady's Great Outdoors | FN Herstal, model 503, 9mm semi-automatic pistol | CV014843 | Charlena West |

29. On or about January 30, 2021, Terrance Darby sent \$350 to defendant KYLE MCLEMORE using Cash App.

30. On or about February 5, 2021, Ontavious Plumer told Charlena West that he would like West to take another trip to Philadelphia. West then told Darquis Davis, “we mite be going to philly soon.” Davis responded, “Okay let him know my price is \$500.” West responded, “He knows.”

31. On or about February 5, 2021, Cory Brookins sent Terrance Darby \$1,100 using Cash App.

32. On or about February 8, 2021, defendant KYLE MCLEMORE sent Terrance Darby messages about several kinds of firearms, including a “new 40 beretta micro drake,” an “AR [pistol]”, and an “mp7 A1”. Darby replied that “[t]hey got Ruger AR 556” and “Mini dracos”, and sent screenshots of firearms from the websites of Academy Sports and Outdoors and Palmetto State Armoy, both of which are FFLs from which Charlena West and Earlishia Brownlee purchased firearms. Defendant MCLEMORE responded by “loving” the images.

33. On or about February 8, 2021, defendant KYLE MCLEMORE sent Terrance Darby \$2,000 using Cash App.

34. On or about February 10, 2021, Ontavious Plumer told Charlena West to leave for Philadelphia the next morning.

35. On or about February 10, 2021, Terrance Darby sent Cory Brookins \$650 using Cash App.

36. On or about February 11, 2021, at the direction of Ontavious Plumer, Charlena West and Darquis Davis transported firearms by car from South Carolina to Philadelphia, Pennsylvania, and gave the guns to Terrance Darby.

37. On February 12, 2021, Cory Brookins sent \$1,000 to a Cash App account belonging to Ontavious Plumer's sister. At various times throughout the conspiracy, Plumer instructed members of the conspiracy to transfer money to that account.

38. On or about March 9, 2021, Terrance Darby sent defendant KYLE MCLEMORE pictures of two firearms with corresponding prices, and asked "Where u want the merch?" Defendant MCLEMORE responded: "Under the couch cushion."

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Paragraphs 1, 14 through 20, and Overt Acts 1 through 38 of Count One are incorporated here.
2. From at least as early as in or around November 2020 through in or around March 2021, in the Eastern District of Pennsylvania, the District of South Carolina, and elsewhere, defendant

KYLE MCLEMORE

willfully engaged in the business of dealing in firearms without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code, and aided and abetted the same.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D) and 2.

NOTICE OF FORFEITURE**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violation of Title 18, United States Code, Sections 371, 922(a)(1)(A), and 924(a)(1)(D), set forth in this indictment, defendant

KYLE MCLEMORE

shall forfeit to the United States of America the firearms involved in the commission of such violations, including:

| # | Firearm | Serial Number |
|----|---|---------------|
| 1 | Beretta, model APX, 9mm semi-automatic pistol | A098483X |
| 2 | Beretta, model APX, 9mm semi-automatic pistol | A098465X |
| 3 | Taurus, Judge series, .45 caliber revolver | ABL097569 |
| 4 | Taurus, Judge series, .45 caliber revolver | ABJ941959 |
| 5 | Taurus, Judge series, .45 caliber revolver | ABK062912 |
| 6 | Taurus, model G3, 9mm semi-automatic pistol | ABJ945226 |
| 7 | Smith & Wesson, model SD40, .40 caliber semi-automatic pistol | FCU0160 |
| 8 | Smith & Wesson, model SD40, .40 caliber semi-automatic pistol | FCW3015 |
| 9 | Ruger, Security-9, 9mm semi-automatic pistol | 383-61872 |
| 10 | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | JFN7241 |
| 11 | Ruger, Security-9, 9mm semi-automatic pistol | 383-84606 |
| 12 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCU8997 |
| 13 | Ruger, Security-9, 9mm semi-automatic pistol | 383-69030 |
| 14 | Glock, model 48, 9mm semi-automatic pistol | BRUD021 |
| 15 | Smith & Wesson, model SD9, 9mm semi-automatic pistol | FCJ0371 |
| 16 | Smith & Wesson, model SD40, .40 caliber semi-automatic pistol | FCR2029 |
| 17 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | HEY8477 |
| 18 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FBB2962 |
| 19 | Smith & Wesson, model 4040, .40 caliber semi-automatic pistol | USC9960 |
| 20 | Glock, model 44, .22 caliber semi-automatic pistol | AEMA839 |
| 21 | Glock, model 43, 9mm semi-automatic pistol | AEWG856 |
| 22 | Glock, model 43, 9mm semi-automatic pistol | AEWV822 |

| | | |
|----|---|-----------|
| 23 | Smith & Wesson, model SD9VE, 9mm semi-automatic pistol | FCV9142 |
| 24 | Glock, model 44, .22 caliber semi-automatic pistol | AEHK404 |
| 25 | Glock, model 44, .22 caliber semi-automatic pistol | AEFZ395 |
| 26 | Smith & Wesson, model 4046, .40 caliber semi-automatic pistol | TDS8937 |
| 27 | Smith & Wesson, model M&P 45, .22 caliber semi-automatic pistol | HST6669 |
| 28 | Glock, model 19, 9mm semi-automatic pistol | BNYP686 |
| 29 | Beretta, model APX, 9mm semi-automatic pistol | A118611X |
| 30 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCR9812 |
| 31 | Taurus, model G3, 9mm semi-automatic pistol | ABN377437 |
| 32 | Glock, model 19, 9mm semi-automatic pistol | BEBG379 |
| 33 | Smith & Wesson, M&P9 Shield, 9mm semi-automatic pistol | RJL8351 |
| 34 | Glock, model 43, 9mm semi-automatic pistol | RJL9085 |
| 35 | Glock, model 43, 9mm semi-automatic pistol | RJJ3740 |
| 36 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCL3090 |
| 37 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCR1969 |
| 38 | Kahr, model CW45, .45 caliber semi-automatic pistol | SG3002 |
| 39 | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | NEJ0435 |
| 40 | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | HLH1207 |
| 41 | Smith & Wesson, model MP40, .40 caliber semi-automatic pistol | HLL8291 |
| 42 | Smith & Wesson, model SD9VE, 9mm semi-automatic pistol | FCN8128 |
| 43 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCZ6643 |
| 44 | Taurus, model GC3, 9mm semi-automatic pistol | ABN361120 |
| 45 | Ruger, model SR9c, 9mm semi-automatic pistol | 339-18799 |
| 46 | Smith & Wesson, model M&P, semi-automatic pistol | NFD1490 |
| 47 | Springfield Defender, 9mm semi-automatic pistol | BY565525 |
| 48 | Smith & Wesson, model MP40C, .40 caliber semi-automatic pistol | HRX7505 |
| 49 | Ruger, model 9E, 9mm semi-automatic pistol | 338-1248 |
| 50 | Smith & Wesson, model SW9GVE, 9mm semi-automatic pistol | PB23904 |
| 51 | Taurus, model G2C, 9mm semi-automatic pistol | ABL194818 |

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| 52 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCY5101 |
| 53 | Smith & Wesson, model SD9VE, 9mm semi-automatic pistol | FCZ3184 |
| 54 | Taurus, model GC3, 9mm semi-automatic pistol | ABN357074 |
| 55 | Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol | FCY1145 |
| 56 | FN Herstal, model 503, 9mm semi-automatic pistol | CV010947 |
| 57 | FN Herstal, model 503, 9mm semi-automatic pistol | CV014843 |

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A [REDACTED]

 /for

JACQUELINE C. ROMERO
United States Attorney

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

KYLE MCLEMORE

INDICTMENT

Counts

18 U.S.C. § 371 (conspiracy – 1 count); 18 U.S.C. § 922(a)(1)(A) (dealing in firearms without a license – 1 count); Notice of forfeiture

_____ this _____ day,
of **SEPTEMBER** A.D. 20 **23**

Foreperson

Bail, \$ _____